Summary of Adjudication Tribunal Decision

IN THE MATTER OF: **Dr. Jonathan Jaco Maritz, Psychiatry**
Practice Address: James Paton Memorial Regional Hospital, Gander, NL

In a written decision dated July 26, 2021, an Adjudication Tribunal of the College of Physicians and Surgeons of Newfoundland and Labrador found Dr. Jonathan Jaco Maritz, a psychiatrist, guilty of five (5) counts of professional misconduct.

The Tribunal accepted an agreed statement of facts as well as Dr. Maritz's plea of guilty in respect of each of the five Complaints. All five Complaints were filed by the Registrar against Dr. Maritz.

In the First Complaint, the patient attended at Dr. Maritz's psychiatry clinic for ongoing methadone maintenance treatment ("MMT"). During an unscheduled, brief visit for methadone maintenance, Dr. Maritz engaged in a conversation with the complainant about gender reassignment, during which the patient removed his pants and undergarments. Dr. Maritz provided the patient with a piece of medical tape along with instructions as to how to conceal his genitals between his legs. The patient experienced bruising and groin pain later that day. The patient denied ever expressing an interest in gender reassignment. Dr. Maritz does not have expertise or specialized education in the treatment of transgender patients.

The Tribunal found that with respect to the First Complaint, Dr. Maritz used inappropriate comments and/or questions which reflected a lack of respect for the patient's dignity and privacy, resulting in a violation of the College's *By-Law 5: Code of Ethics*, sections 4(oo), amounting to professional misconduct which is conduct deserving of sanction under the *Medical Act, 2011*.

In the Second, Third, and Fourth Complaints, the College received reports from the provincial Prescription Drug Monitoring Program raising concerns relating to Dr. Maritz's prescribing practices, particularly as it related to MMT and opioids. The medical records showed that Dr. Maritz's prescribing practices were non-standard and did not adhere to the relevant standards of practice, including in that they were often prepared days, weeks, or months after the patient encounter; some documentation of clinic visits was totally absent; the content of the records was deficient in several respects; and that Dr. Maritz had failed to use objective screening to verify patient's self-reports of adhering to their MMT protocol. Dr. Maritz acknowledged that he had not met the standard of practice in relation to his prescribing practices for methadone and other opioids, including in that he prescribed opioids to patients at the same time as they were taking methadone; methadone was commenced at a high dose or increased rapidly; additional doses or take-away methadone doses were prescribed without question to patients who were travelling; and patients were given additional opioids when they informed him that they had run out or taken more than their prescribed dosage. Dr. Maritz admitted that his prescribing practices with

respect to methadone and opioids in the Second, Third, and Fourth Complaint were not in full compliance with the College's Methadone Maintenance Treatment Standards and Guidelines.

The Fifth Complaint related to the same patient affected by the First Complaint. Dr. Maritz had seen this patient on approximately 110 occasions. The medical records documenting the treatment relationship were found to be inadequate, including that they lacked critical information about the patient; used stock phrases and sentences which were sometimes internally inconsistent; and did not contain the information expected of a provider of MMT. Dr. Maritz admitted that his prescribing practices with respect to methadone and opioids in the Fifth Complaint were not in full compliance with the College's Methadone Maintenance Treatment Standards and Guidelines.

The Tribunal found that Dr. Maritz was guilty of professional misconduct in the Second, Third, Fourth, and Fifth Complaints in that he failed to apply and maintain the standards of practice expected by the profession so as to indicate gross negligence or reckless disregard for the health and well-being of the patient, including in the treatment provided and his documentation of the treatment, in violation of the College's *By-Law 5: Code of Ethics*, section 4(h), which is conduct deserving of sanction under the *Medical Act, 2011*.

The Tribunal accepted Dr. Maritz's plea that he was guilty of conduct deserving of sanction with respect to each of the five Complaints.

The Tribunal accepted a joint submission on sanction from the parties, and ordered on July 26, 2021, that:

1. Dr. Maritz had already served a period of suspension totalling 21 months, pursuant to an order of the Complaints Authorization Committee suspending his medical licence effective September 23, 2019.

2. Dr. Maritz is eligible to apply for a medical licence as of the date of the Tribunal's order or decision.

3. Before returning to practice, Dr. Maritz will successfully complete, at his cost:

    a. The CPEP Medical Record Keeping Seminar, including the six-month follow-up records management component; and

    b. The Safer Opioid Prescribing Skills Workshop offered by Saegis.

4. Within six months of the Tribunal's order, Dr. Maritz will successfully complete a professional development course on maintaining appropriate boundaries between patients and physicians.

5. Dr. Maritz's medical licence will be limited in the future as follows:

a. He will be prohibited indefinitely from prescribing narcotics, including opioids;

b. For a period of one year following his return to practice he will be accompanied in the examination room by a chaperone for the entire encounter; and

c. For a period of one year following his return to practice, he will be subjected, and must adhere, to the College's policy entitled "Sponsorship of Provisionally Licensed Physicians".

6. As a condition of his return to practice, Dr. Maritz is required to execute documentation allowing the College to oversee the chaperoning arrangement.

7. Dr. Maritz pays the costs of the College in the fixed amount of $10,000.

8. The Registrar will publish a summary of the decision and order of the Tribunal.

Linda Inkpen, MD
Registrar, CPSNL
September 8, 2021